

Considered: _____

WATER PERMIT NO. 5378-3

HAP No. same 886-2577

Name of Applicant Milton G. Carter

Post Office Address RR3, Box 138B, Watertown SD 57201

Amount of Water Claimed 2.9 cfs Total Acres 240

Source of Water Supply ground water - 1 well

Water to be used for irrigation County Brant

About 19 miles W of Twin Brooks.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Jan 6, 1990 Fee 275⁰⁰ Remarks _____

Corrected Application Received _____ Period of Annual Use Apr 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

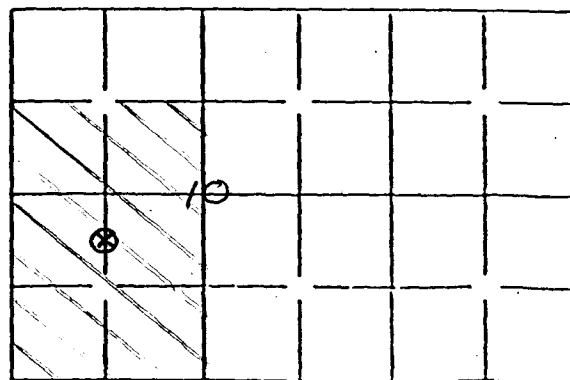
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point well: N $\frac{1}{2}$ SW $\frac{1}{4}$ section 10-

T120N-R52W

Land to be Irrigated SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$

section 10-T120N-R52W



Well Log: Driller LTP Licensed YES _____ NO _____

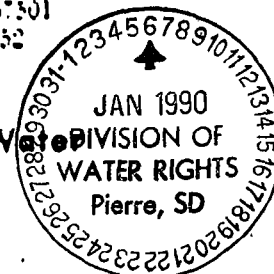
Depth of Well 130 feet REMARKS _____

Type of Map aerial photo PREPARED BY W. Stanley Lamb Reviewed and the Number

assigned on Jan 12, 1990 By Ron D. Small

(See instructions)

No. 5378-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Milbank Grant Co. Review Box 390
(Date) 12/2/82



Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion points ☐ Add diversion points
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Milton G. Carter Phone No. 886-2577

Post Office Address RR 3 Box 138 B Watatona State SD Zip Code 57201
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s.) 2.9 CFS Total acres irrigated 240

3. Source of Water supply Groundwater 1 well

4. Location of point of diversion N 1/2 SW 1/4 Sec 10 T 120 N R 52 W

County Grant

5. Counties where water will be used Grant

6. Annual period during which water is to be used April - October 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW 1/4 SW 1/4 Sec 10 T 120 N R 52 W	40
SW 1/4 SW 1/4 "	40
SE 1/4 SW 1/4 "	40
NE 1/4 SW 1/4 "	40

Land Description	No. Acres Irr.
SW 1/4 NW 1/4 Sec 10 T 120 N R 52 W	40
SE 1/4 NW 1/4 Sec 10 T 120 N R 52 W	40

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
 (Specify)

9. Crops to be irrigated: _____

10. Give a description of proposed project. (Attach sheet if more-space is needed)

Irrigate approximately 240 acres of corn, beans, alfalfa, + potatoes on a rotational basis from one well in the Prairie Coteau Aquifer.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Codington) ss

I, Milton G. Carter, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Milton G. Carter

Subscribed and sworn to before me this 4th day of January 19 90

Joanner Hutt
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5378-3 FOR IRRIGATION**

Date of first receipt of application January 6, 1990.

Date Soil/Water Compatibility Permit received February 15, 1990.

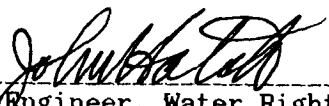
The Water Management Board approved Water Permit Application No. 5378-3 on March 7, 1990 for Milton G. Carter, RR3, Box 138B, Watertown, South Dakota 57201 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5378-3 appropriates 2.90 cubic feet of water per second from one well (Prairie Coteau Aquifer) approximately 130 feet deep to irrigate 240 acres. The well is to be located in the N1/2 SW1/4 and the acreage to be irrigated is located in the SW1/4, S1/2 NW1/4; all in Section 10-T120N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is January 6, 1990.
4. One-fifth of the construction is to be completed on or before September 7, 1992.
5. All construction is to be completed on or before March 7, 1995.
6. Water is to be put to beneficial use on or before March 7, 1999.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

- 1) The well authorized by Permit No. 5378-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
- 2) The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- 3) This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JUN 18 1990

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 18" Depth 130'
- b) Casing Type steel Diameter 12" Thickness _____
- c) Screen Type stainless steel Diameter 12" Thickness _____
- d) Gravel Pack Thickness 2 1/2" Length of Gravel Pack 25'
- e) Depth to Top of Water Bearing Material 10'
- f) Depth to Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 3500'

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

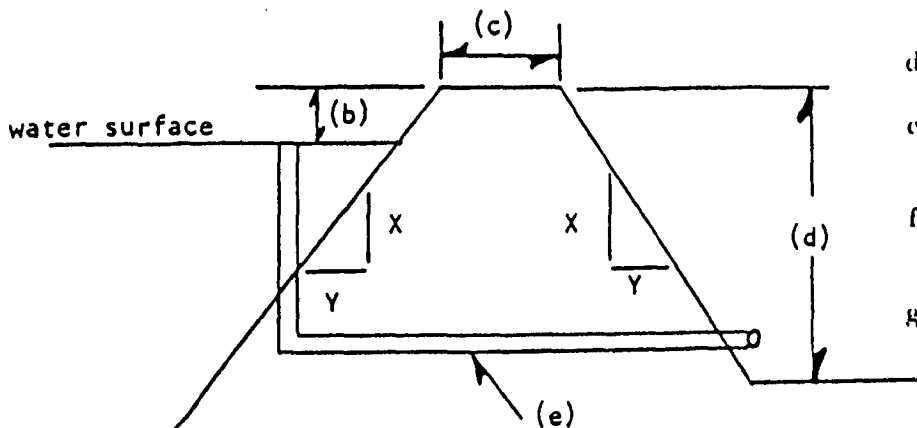
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Milton A. Cant
Signature of Applicant

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 15, 1990

Randy Spevak
Casco Corp.
RR 3, Box 138B
Watertown SD. 57201

Dear Mr. Spevak:

Enclosed is your check dated January 6, 1990 for \$600.00. The correct application fee for \$825.00 has been received and the receipts are enclosed.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4447

WR#

OWNERS NAME: Carter, Milton G. OWNERS ADDRESS: RR 3, Box 138B
Watertown, SD 57201

COUNTY LAND LOCATED IN: Grant PHONE: 886-2377

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION SW1/4 10-T120N-R52W
Depth _____

Legal Description	Acres	Legal Description	Acres
SW1/4 SW1/4 10-T120N-R52W	40		
SW1/4 SW1/4 10-T120N-R52W	40		
SE1/4 SW1/4 10-T120N-R52W	40		
NE1/4 SW1/4 10-T120N-R52W	40		
SW1/4 NW1/4 10-T120N-R52W	40		
SE1/4 NW1/4 10-T120N-R52W	40		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XX GUN: _____ (Specify) _____ OTHER: _____
3. CROPS TO BE IRRIGATED: Corn, Beans, Alfalfa, and Potatoes. (on a rotational basis)

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>90-0012</u>	7. ADJUSTED (SAR): <u>1.07</u>
5. SALINITY (EC X 10 ⁶): <u>950</u>	8. PERCENT SODIUM: <u>8.65</u>
6. SODIUM (SAR): <u>0.41</u>	

Requirements:

Any area with a slope greater than 9% shall not be irrigated.

Map areas La and Lb (LaDelle), Da (Divide) and Ea (Rauville) are subject to erosion and a high water table. These areas shall be maintained in permanent vegetation to prevent additional erosion and avoid problems with drainage.



Peter Smith
Director, Division of Conservation

XX APPROVED
____ DISAPPROVED
____ WAIVER

XX REQUIREMENTS

February 13, 1990
Date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412031

Pierre, January 12, 19 90

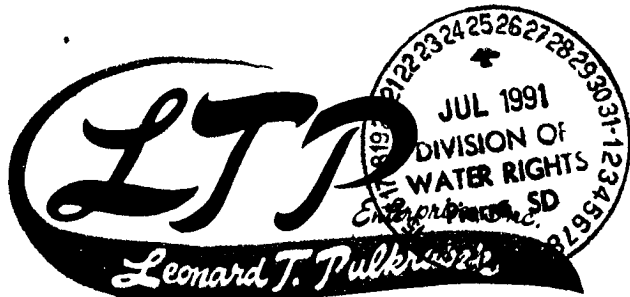
RECEIVED OF Casco Corp. RR #3 Box 1388, Watertown, SD 57201

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	275	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	275 00

By

John Hatch Tmra
Chief Engineer



Box 2131
FARGO, N. DAK. 58107

Phone (701) 232-8928



WELL DRILLING
PUMP SALES & SERVICE

Work done by Fargo office Job No. SD4180IA Commitment date ASAP Call taken by RJP

Owner CASCO Corporation Telephone 605-886-2577 Date _____

City Watertown County _____ State South Dakota

Well No. #3 Location Section 10, Township 120 Range 52 SW $\frac{1}{4}$

Well diameter 12" Well depth 130 Year Constructed 1990 Did we drill Yes

Screen Diameter 12" P.S. Screen Length 25' Screen Material S.S. Screen Slot 100 Leader None

Static Level 9.40 Pumping Level 42.30' G. P. M. Tested 1200 With what? Test Pump

Specific yield 36.47 G. P. M. per foot of D.D. after 19 hours of pumping _____

Type of well- Filter wall X Naturally developed _____ Filter Sand Size pea rock

Additional information pertaining to well Well was not yet stabilized at end of test.

Driller Dave Wiederholt Date completed 4-11-90

PUMP AND SYSTEM DATA

Type of Pump- Turbine X Submersible _____ Make Goulds Model 10LHC-6 Pump Serial No. _____

Size Motor 75 HP Voltage 460 Phase 3 Motor Serial No. _____

Type of Column? Turbine X Submersible _____ Length of Column 90' Size of Column 8" Material Black Steel

Size of Line- Shaft 1 $\frac{1}{2}$ Material of Shaft C-1045 Replacement No. of line shaft bearings _____

What type of System? Pressure X Elevated Tank _____ House _____ Pitless Unit _____

Size Pitless Unit _____ Bury depth of Pitless Unit _____ Total pump setting from intake 95'

Air line length 90' Size 3/4" Material Plastic

Amperage under operating conditions - Line 1 _____ Line 2 _____ Line 3 _____

Additional information pertaining to pump and system Size 4 Allen Bradley Panel supplied.

Shafts have Stainless steel sleeves in bearing area. 3/4" plastic is plugged and perforated

Date installed 5-3-90 By Company L.T.P. Enterprises, Inc Operator Al Pulkrabek

Sec 10

↑
N

NW	NE
X SW	SE

WELL DRILLING
PUMP SALES & SERVICE

Phone (701) 232-8928

DRILLERS LOG

C.S.S. Company

Drilled for _____ by _____ Office

Location of property SW $\frac{1}{4}$ Sec. 10 120-52

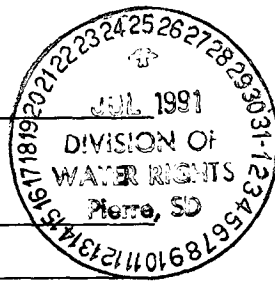
Test hole No. 4 Location of test hole Center of Property Well No. TW 1

Size of test hole 6 $\frac{1}{4}$ Date started 12-28-89 Date completed 12-28-89 Total Hours 5

FORMATIONS DRILLED

[illegible]

Signed Dave Wiederholt Driller

Owner Casco CorporationWell No. #3 Location Sec. 10Date started 4-11-90Static 12.2' 2.8' Above G.L.

PUMPING TEST

By



Box 2131 • FARGO, ND 58107 • Phone (701) 232-8928

Time	Time In Minutes	Pumping Level	Drawdown	GPM		Time	Time In Minutes	Pumping Level	Drawdown	GPM	
8:30	0	12.2	0	1200		9:30	780	43.57	31.37	1200	
8:31	1	29.0	17.8	"		10:30	840	43.90	31.7	"	
8:32	2	30.5	18.3	"		11:30	900	44.1	31.9	"	
8:33	3	31.0	18.8	"		12:30	960	44.4	32.2	"	
8:34	4	31.3	19.1	"		1:30	1020	44.75	32.55	"	
8:35	5	31.6	19.4	"		2:30	1080	44.95	32.75	"	
8:36	6	31.8	19.6	"		3:30	1140	45.10	32.90	"	
8:37	7	32.0	19.8	"							
8:38	8	32.16	19.96	"							
8:39	9	32.32	20.12	"		3:40	1	26.6	14.1		
8:40	10	32.4	20.2	"		3:42	2	26.17	13.97		
8:42	12	32.6	20.4	"		3:43	3	25.77	13.57		
8:44	14	32.95	20.75	"		3:44	4	25.58	13.35		
8:46	16	33.1	20.90	"		3:45	5	25.37	13.17		
8:48	18	33.4	21.20	"		3:46	6	25.22	13.02		
8:50	20	33.55	21.35	""""		3:47	7	25.12	12.92		
8:55	25	33.85	21.65	"		3:48	8	24.97	12.77		
9:00	30	34.23	22.03	"		3:49	9	24.85	12.65		
9:10	40	34.6	22.40	"		3:50	10	24.77	12.57		
9:20	50	35.05	22.85	"		3:52	12	24.55	12.35		
9:30	60	35.38	23.18	"		3:54	14	24.45	12.25		
10:00	90	36.2	24.00	"		3:56	16	24.26	12.06		
10:30	120	37.10	24.90	"		3:58	18	24.14	11.94		
11:30	180	38.15	25.95	"		4:00	20	23.97	11.77		
12:30	240	39.15	26.95	"		4:05	25	23.67	11.47		
1:30	300	39.92	27.72	"		4:10	30	23.40	11.20		
2:30	360	40.58	28.38	"		4:20	40	22.98	10.78		
3:30	420	41.15	28.95	"		4:30	50	22.63	10.43		
4:30	480	41.65	29.45	"		4:40	60	22.35	10.15		
5:30	540	42.2	30.00	"		5:10	90	21.60	9.40		
6:30	600	42.60	30.40	"		5:40	120	21.05	8.85		
7:30	660	43.10	30.90	"		6:40	180	19.95	7.75		
8:30	720	43.28	31.08	"							

Static RECOVERY 122' 28' Above G.L.



PUMPING TEST

By



Box 2131 • FARGO, ND 58107 • Phone (701) 232-8928

[illegible]

REPORT ON APPLICATION NO. 5378-3
for Milton G Carter
January 22, 1990

This application proposes to appropriate 2.90 from one well approximately 130 feet deep to irrigate 240 acres. The well is to be located in the N 1/2 SW 1/4 and the acreage to be irrigated is located in the SW 1/4, S 1/2 NW 1/4; all in section 10, T120N R52W in Grant County. This location is within the former boundaries of the Sisseton Wahpeton Indian Reservation.

AQUIFER - PRAIRIE COTEAU (PCO)

The Prairie Coteau (PCO) is a buried Pliestocene outwash (sand and gravel) under artesian conditions. The PCO aquifer underlies 760 square miles and contains an estimated 1.5 million acre feet of water in Codington and Grant Counties (Hanson, 1988).

The Division of Water Rights monitors two observation wells GT-76B and GT-79C in the PCO aquifer that are within a 1/2 mile radius of this application. Water levels for these wells fluctuate considerably due to withdrawals for irrigation. Water level records for these wells are included with this report. Well GT-76B has had a maximum annual fluctuation of about 55 feet. The record indicates the water levels recover rapidly when pumping ceases and overall there is little net change from year to year. The aquifer does respond to climatic conditions and during wet years recharge does cause water levels to rise (Water Rights, 1990). The development of the PCO aquifer has not adversely affected water availability from the aquifer.

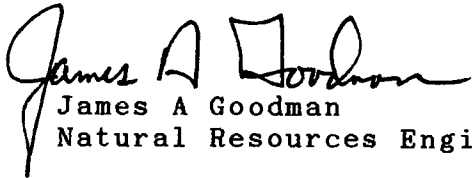
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three permits nos. 5271-3, 4184-3 and 2715-3 which authorize four wells which are all approximately 1 1/2 miles from this proposed diversion. All of these wells are completed into the PCO aquifer. Interference will occur. Drawdowns caused by pumping do extend past this proposed diversion and will overlap. Data from the observation wells represent the cumulative effect of present withdrawals upon the aquifer. There is no indication that there is any impairment of existing rights.

There have been many complaints from this area concerning withdrawals from the PCO aquifer. To the south in Codington County there are flowing wells which either stopped flowing or the flows diminished due to pumping. Many other domestic wells either have been replaced or had pumps installed and lowered. This has been a seasonal problem which generally occurs in July and August especially during drought years when pumping is heaviest from the aquifer. Historically water levels in the observation wells indicate the PCO aquifer is capable of maintaining existing diversions.

CONCLUSIONS

1. Water is available from the PCO aquifer.
2. The aquifer is under artesian conditions.
3. Interference will occur. The proposed well is about 1 1/2 miles from an existing PCO well and this will help to minimize the effects of overlapping drawdowns. Interference should not be adverse.
4. The historical water level evidence indicates the aquifer is sustaining existing withdrawals.
5. Any well authorized by this permit must be completed in accordance with SD well construction standards. The well should not flow at this location but should be within 10 feet of the land surface.
6. This permit should contain the standard irrigation questionnaire qualification.
7. The Big Sioux North aquifer also underlies these lands. This is a shallow water table aquifer. There is a growing body of evidence which indicates that farming practices over shallow water aquifer like the Big Sioux North will affect water quality in the aquifer.



James A Goodman
Natural Resources Engineer IV

BIBLIOGRAPHY

Hanson, D., 1988, PERSONNEL COMMUNICATION, CODINGTON AND GRANT WATER RESOURCES STUDY, PCO AQUIFER, USGS, Huron, SD, 57350.

Water Rights, 1990, RECORDS OF PCO AQUIFER OBSERVATION WELLS IN GRANT COUNTY, SD DWR, Div. of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.

NAME	LOCATION	DATE	W/L
GT-76B	120N-52W-23BBBB R	06/16/77	-29.0
GT-76B	120N-52W-23BBBB R	06/21/77	-22.7
GT-76B	120N-52W-23BBBB R	06/29/77	-21.7
GT-76B	120N-52W-23BBBB R	07/06/77	-35.5
GT-76B	120N-52W-23BBBB R	07/20/77	-40.7
GT-76B	120N-52W-23BBBB R	08/03/77	-42.8
GT-76B	120N-52W-23BBBB R	08/16/77	-34.6
GT-76B	120N-52W-23BBBB R	09/07/77	-23.1
GT-76B	120N-52W-23BBBB R	09/20/77	-20.2
GT-76B	120N-52W-23BBBB R	10/18/77	-18.5
GT-76B	120N-52W-23BBBB R	12/01/77	-15.6
GT-76B	120N-52W-23BBBB R	01/17/78	-14.9
GT-76B	120N-52W-23BBBB R	03/21/78	-14.6
GT-76B	120N-52W-23BBBB R	04/11/78	-14.2
GT-76B	120N-52W-23BBBB R	05/01/78	-15.4
GT-76B	120N-52W-23BBBB R	05/23/78	-13.8
GT-76B	120N-52W-23BBBB R	06/07/78	-13.3
GT-76B	120N-52W-23BBBB R	06/21/78	-13.2
GT-76B	120N-52W-23BBBB R	07/08/78	-12.9
GT-76B	120N-52W-23BBBB R	07/18/78	-19.2
GT-76B	120N-52W-23BBBB R	08/16/78	-29.7
GT-76B	120N-52W-23BBBB R	09/07/78	-32.1
GT-76B	120N-52W-23BBBB R	09/27/78	-17.6
GT-76B	120N-52W-23BBBB R	10/17/78	-15.4
GT-76B	120N-52W-23BBBB R	11/29/78	-14.5
GT-76B	120N-52W-23BBBB R	01/23/79	-13.8
GT-76B	120N-52W-23BBBB R	03/22/79	-13.8
GT-76B	120N-52W-23BBBB R	05/02/79	-13.0
GT-76B	120N-52W-23BBBB R	05/31/79	-13.0
GT-76B	120N-52W-23BBBB R	06/13/79	-13.8
GT-76B	120N-52W-23BBBB R	07/03/79	-12.6
GT-76B	120N-52W-23BBBB R	07/17/79	-24.8
GT-76B	120N-52W-23BBBB R	07/31/79	-20.9
GT-76B	120N-52W-23BBBB R	08/14/79	-17.5
GT-76B	120N-52W-23BBBB R	09/05/79	-15.3
GT-76B	120N-52W-23BBBB R	09/27/79	-16.1
GT-76B	120N-52W-23BBBB R	10/25/79	-13.9
GT-76B	120N-52W-23BBBB R	01/17/80	-12.7
GT-76B	120N-52W-23BBBB R	03/05/80	-12.7
GT-76B	120N-52W-23BBBB R	04/17/80	-12.7
GT-76B	120N-52W-23BBBB R	05/30/80	-26.2
GT-76B	120N-52W-23BBBB R	06/23/80	-14.8
GT-76B	120N-52W-23BBBB R	07/11/80	-21.8
GT-76B	120N-52W-23BBBB R	07/25/80	-38.5
GT-76B	120N-52W-23BBBB R	08/07/80	-44.4
GT-76B	120N-52W-23BBBB R	08/20/80	-28.0
GT-76B	120N-52W-23BBBB R	09/10/80	-35.0
GT-76B	120N-52W-23BBBB R	10/29/80	-15.9
GT-76B	120N-52W-23BBBB R	12/09/80	-14.9
GT-76B	120N-52W-23BBBB R	03/10/81	-14.3
GT-76B	120N-52W-23BBBB R	04/15/81	-14.3
GT-76B	120N-52W-23BBBB R	05/27/81	-26.1
GT-76B	120N-52W-23BBBB R	06/02/81	-21.7
GT-76B	120N-52W-23BBBB R	06/10/81	-19.8

NAME	LOCATION	DATE	W/L
GT-76B	120N-52W-23BBBB R	06/23/81	-17.2
GT-76B	120N-52W-23BBBB R	07/08/81	-36.1
GT-76B	120N-52W-23BBBB R	07/22/81	-30.3
GT-76B	120N-52W-23BBBB R	08/05/81	-48.8
GT-76B	120N-52W-23BBBB R	09/01/81	-47.5
GT-76B	120N-52W-23BBBB R	10/20/81	-20.9
GT-76B	120N-52W-23BBBB R	12/29/81	-16.7
GT-76B	120N-52W-23BBBB R	04/01/82	-15.5
GT-76B	120N-52W-23BBBB R	05/06/82	-15.1
GT-76B	120N-52W-23BBBB R	05/26/82	-15.2
GT-76B	120N-52W-23BBBB R	06/09/82	-14.9
GT-76B	120N-52W-23BBBB R	06/23/82	-24.1
GT-76B	120N-52W-23BBBB R	07/09/82	-40.6
GT-76B	120N-52W-23BBBB R	07/21/82	-25.9
GT-76B	120N-52W-23BBBB R	08/04/82	-39.5
GT-76B	120N-52W-23BBBB R	08/19/82	-55.9
GT-76B	120N-52W-23BBBB R	09/02/82	-42.4
GT-76B	120N-52W-23BBBB R	09/29/82	-25.9
GT-76B	120N-52W-23BBBB R	10/26/82	-20.6
GT-76B	120N-52W-23BBBB R	02/28/83	-16.4
GT-76B	120N-52W-23BBBB R	04/07/83	-15.8
GT-76B	120N-52W-23BBBB R	05/25/83	-17.2
GT-76B	120N-52W-23BBBB R	06/08/83	-21.1
GT-76B	120N-52W-23BBBB R	06/20/83	-19.1
GT-76B	120N-52W-23BBBB R	07/07/83	-17.2
GT-76B	120N-52W-23BBBB R	07/20/83	-25.0
GT-76B	120N-52W-23BBBB R	08/02/83	-45.3
GT-76B	120N-52W-23BBBB R	08/19/83	-40.0
GT-76B	120N-52W-23BBBB R	09/08/83	-26.1
GT-76B	120N-52W-23BBBB R	10/03/83	-20.1
GT-76B	120N-52W-23BBBB R	11/09/83	-17.2
GT-76B	120N-52W-23BBBB R	04/10/84	-14.4
GT-76B	120N-52W-23BBBB R	05/02/84	-13.9
GT-76B	120N-52W-23BBBB R	06/14/84	-13.3
GT-76B	120N-52W-23BBBB R	06/27/84	-12.9
GT-76B	120N-52W-23BBBB R	07/11/84	-19.9
GT-76B	120N-52W-23BBBB R	07/25/84	-35.2
GT-76B	120N-52W-23BBBB R	08/01/84	-44.9
GT-76B	120N-52W-23BBBB R	08/07/84	-27.1
GT-76B	120N-52W-23BBBB R	08/22/84	-36.1
GT-76B	120N-52W-23BBBB R	09/26/84	-22.6
GT-76B	120N-52W-23BBBB R	10/30/84	-16.6
GT-76B	120N-52W-23BBBB R	04/08/85	-13.2
GT-76B	120N-52W-23BBBB R	05/14/85	-12.7
GT-76B	120N-52W-23BBBB R	05/28/85	-13.1
GT-76B	120N-52W-23BBBB R	06/11/85	-13.5
GT-76B	120N-52W-23BBBB R	06/25/85	-13.1
GT-76B	120N-52W-23BBBB R	07/09/85	-35.0
GT-76B	120N-52W-23BBBB R	07/23/85	-28.3
GT-76B	120N-52W-23BBBB R	08/07/85	-45.1
GT-76B	120N-52W-23BBBB R	08/18/85	-28.2
GT-76B	120N-52W-23BBBB R	09/11/85	-19.1
GT-76B	120N-52W-23BBBB R	10/23/85	-14.9
GT-76B	120N-52W-23BBBB R	03/26/86	-13.0

NAME	LOCATION	DATE	W/L
GT-76B	120N-52W-23BBBB R	04/09/86	-12.6
GT-76B	120N-52W-23BBBB R	04/23/86	-12.0
GT-76B	120N-52W-23BBBB R	05/06/86	-11.5
GT-76B	120N-52W-23BBBB R	06/03/86	-10.7
GT-76B	120N-52W-23BBBB R	06/19/86	-12.2
GT-76B	120N-52W-23BBBB R	07/01/86	-10.6
GT-76B	120N-52W-23BBBB R	07/16/86	-28.5
GT-76B	120N-52W-23BBBB R	07/31/86	-25.9
GT-76B	120N-52W-23BBBB R	08/13/86	-20.2
GT-76B	120N-52W-23BBBB R	09/04/86	-15.0
GT-76B	120N-52W-23BBBB R	10/29/86	-11.4
GT-76B	120N-52W-23BBBB R	04/09/87	-10.8
GT-76B	120N-52W-23BBBB R	05/13/87	-15.5
GT-76B	120N-52W-23BBBB R	05/26/87	-12.0
GT-76B	120N-52W-23BBBB R	06/10/87	-12.6
GT-76B	120N-52W-23BBBB R	06/24/87	-32.8
GT-76B	120N-52W-23BBBB R	07/09/87	-34.0
GT-76B	120N-52W-23BBBB R	07/23/87	-34.9
GT-76B	120N-52W-23BBBB R	08/06/87	-43.9
GT-76B	120N-52W-23BBBB R	08/20/87	-32.8
GT-76B	120N-52W-23BBBB R	09/17/87	-22.3
GT-76B	120N-52W-23BBBB R	11/19/87	-14.2
GT-76B	120N-52W-23BBBB R	04/12/88	-12.9
GT-76B	120N-52W-23BBBB R	05/05/88	-27.2
GT-76B	120N-52W-23BBBB R	05/19/88	-27.2
GT-76B	120N-52W-23BBBB R	06/02/88	-16.8
GT-76B	120N-52W-23BBBB R	06/16/88	-38.8
GT-76B	120N-52W-23BBBB R	06/30/88	-54.3
GT-76B	120N-52W-23BBBB R	07/12/88	-61.9
GT-76B	120N-52W-23BBBB R	07/15/88	-60.7
GT-76B	120N-52W-23BBBB R	07/29/88	-68.0
GT-76B	120N-52W-23BBBB R	08/12/88	-52.6
GT-76B	120N-52W-23BBBB R	08/25/88	-63.2
GT-76B	120N-52W-23BBBB R	08/31/88	-44.6
GT-76B	120N-52W-23BBBB R	09/08/88	-35.7
GT-76B	120N-52W-23BBBB R	09/23/88	-28.6
GT-76B	120N-52W-23BBBB R	10/14/88	-23.7
GT-76B	120N-52W-23BBBB R	02/16/89	-16.7
GT-76B	120N-52W-23BBBB R	04/13/89	-15.5
GT-76B	120N-52W-23BBBB R	05/17/89	-15.4
GT-76B	120N-52W-23BBBB R	05/31/89	-15.5
GT-76B	120N-52W-23BBBB R	06/13/89	-35.4
GT-76B	120N-52W-23BBBB R	06/26/89	-21.8
GT-76B	120N-52W-23BBBB R	07/11/89	-43.0
GT-76B	120N-52W-23BBBB R	07/26/89	-57.7
GT-76B	120N-52W-23BBBB R	08/08/89	-46.8
GT-76B	120N-52W-23BBBB R	08/23/89	-33.6
GT-76B	120N-52W-23BBBB R	10/04/89	-20.3
GT-76B	120N-52W-23BBBB R	11/15/89	-18.1

NAME	LOCATION	DATE	W/L
GT-79C	120N-52W-09BBBB R	10/25/79	-21.6
GT-79C	120N-52W-09BBBB R	01/17/80	-21.1
GT-79C	120N-52W-09BBBB R	03/05/80	-21.1
GT-79C	120N-52W-09BBBB R	04/17/80	-21.4
GT-79C	120N-52W-09BBBB R	05/30/80	-21.6
GT-79C	120N-52W-09BBBB R	06/23/80	-21.8
GT-79C	120N-52W-09BBBB R	07/11/80	-21.8
GT-79C	120N-52W-09BBBB R	07/25/80	-22.1
GT-79C	120N-52W-09BBBB R	08/07/80	-22.8
GT-79C	120N-52W-09BBBB R	08/20/80	-23.4
GT-79C	120N-52W-09BBBB R	09/08/80	-23.8
GT-79C	120N-52W-09BBBB R	10/29/80	-23.4
GT-79C	120N-52W-09BBBB R	03/10/81	-22.8
GT-79C	120N-52W-09BBBB R	04/15/81	-22.7
GT-79C	120N-52W-09BBBB R	05/27/81	-23.3
GT-79C	120N-52W-09BBBB R	06/10/81	-23.7
GT-79C	120N-52W-09BBBB R	06/23/81	-23.5
GT-79C	120N-52W-09BBBB R	07/08/81	-23.8
GT-79C	120N-52W-09BBBB R	07/22/81	-24.4
GT-79C	120N-52W-09BBBB R	08/05/81	-25.0
GT-79C	120N-52W-09BBBB R	09/01/81	-26.2
GT-79C	120N-52W-09BBBB R	10/20/81	-25.9
GT-79C	120N-52W-09BBBB R	04/01/82	-24.3
GT-79C	120N-52W-09BBBB R	05/06/82	-24.0
GT-79C	120N-52W-09BBBB R	05/26/82	-23.9
GT-79C	120N-52W-09BBBB R	06/09/82	-23.8
GT-79C	120N-52W-09BBBB R	06/23/82	-24.0
GT-79C	120N-52W-09BBBB R	07/09/82	-24.8
GT-79C	120N-52W-09BBBB R	07/21/82	-25.3
GT-79C	120N-52W-09BBBB R	08/03/82	-25.5
GT-79C	120N-52W-09BBBB R	08/19/82	-26.5
GT-79C	120N-52W-09BBBB R	09/02/82	-27.3
GT-79C	120N-52W-09BBBB R	09/29/82	-27.3
GT-79C	120N-52W-09BBBB R	10/26/82	-26.4
GT-79C	120N-52W-09BBBB R	02/28/83	-24.8
GT-79C	120N-52W-09BBBB R	04/07/83	-24.5
GT-79C	120N-52W-09BBBB R	05/25/83	-24.1
GT-79C	120N-52W-09BBBB R	06/08/83	-24.4
GT-79C	120N-52W-09BBBB R	06/20/83	-24.6
GT-79C	120N-52W-09BBBB R	07/07/83	-24.6
GT-79C	120N-52W-09BBBB R	07/20/83	-24.7
GT-79C	120N-52W-09BBBB R	08/02/83	-24.9
GT-79C	120N-52W-09BBBB R	08/19/83	-26.4
GT-79C	120N-52W-09BBBB R	09/08/83	-26.7
GT-79C	120N-52W-09BBBB R	10/03/83	-26.2
GT-79C	120N-52W-09BBBB R	11/09/83	-25.4
GT-79C	120N-52W-09BBBB R	04/10/84	-23.5
GT-79C	120N-52W-09BBBB R	05/02/84	-23.1
GT-79C	120N-52W-09BBBB R	06/14/84	-22.5
GT-79C	120N-52W-09BBBB R	06/27/84	-22.2
GT-79C	120N-52W-09BBBB R	07/11/84	-22.3
GT-79C	120N-52W-09BBBB R	07/25/84	-22.6
GT-79C	120N-52W-09BBBB R	08/01/84	-23.0
GT-79C	120N-52W-09BBBB R	08/07/84	-23.3

NAME	LOCATION	DATE	W/L
GT-79C	120N-52W-09BBBB R	08/22/84	-24.0
GT-79C	120N-52W-09BBBB R	09/26/84	-24.7
GT-79C	120N-52W-09BBBB R	10/30/84	-23.7
GT-79C	120N-52W-09BBBB R	04/18/85	-22.1
GT-79C	120N-52W-09BBBB R	05/28/85	-22.0
GT-79C	120N-52W-09BBBB R	06/25/85	-22.0
GT-79C	120N-52W-09BBBB R	07/23/85	-23.1
GT-79C	120N-52W-09BBBB R	08/18/85	-24.2
GT-79C	120N-52W-09BBBB R	10/23/85	-22.9
GT-79C	120N-52W-09BBBB R	03/26/86	-22.0
GT-79C	120N-52W-09BBBB R	04/09/86	-21.8
GT-79C	120N-52W-09BBBB R	04/23/86	-21.4
GT-79C	120N-52W-09BBBB R	05/06/86	-21.2
GT-79C	120N-52W-09BBBB R	06/03/86	-20.3
GT-79C	120N-52W-09BBBB R	07/01/86	-19.8
GT-79C	120N-52W-09BBBB R	07/31/86	-20.5
GT-79C	120N-52W-09BBBB R	09/04/86	-20.7
GT-79C	120N-52W-09BBBB R	10/29/86	-19.7
GT-79C	120N-52W-09BBBB R	04/09/87	-19.2
GT-79C	120N-52W-09BBBB R	05/17/87	-19.4
GT-79C	120N-52W-09BBBB R	06/24/87	-19.9
GT-79C	120N-52W-09BBBB R	07/23/87	-21.4
GT-79C	120N-52W-09BBBB R	08/20/87	-22.7
GT-79C	120N-52W-09BBBB R	09/17/87	-22.9
GT-79C	120N-52W-09BBBB R	11/19/87	-21.8
GT-79C	120N-52W-09BBBB R	04/12/88	-21.3
GT-79C	120N-52W-09BBBB R	05/05/88	-21.3
GT-79C	120N-52W-09BBBB R	06/02/88	-21.8
GT-79C	120N-52W-09BBBB R	08/12/88	-26.8
GT-79C	120N-52W-09BBBB R	09/07/88	-27.6
GT-79C	120N-52W-09BBBB R	10/14/88	-26.3
GT-79C	120N-52W-09BBBB R	04/13/89	-23.2
GT-79C	120N-52W-09BBBB R	05/17/89	-22.9
GT-79C	120N-52W-09BBBB R	05/31/89	-23.0
GT-79C	120N-52W-09BBBB R	06/26/89	-23.5
GT-79C	120N-52W-09BBBB R	07/26/89	-25.2
GT-79C	120N-52W-09BBBB R	08/23/89	-26.5
GT-79C	120N-52W-09BBBB R	10/04/89	-25.3
GT-79C	120N-52W-09BBBB R	11/15/89	-24.5

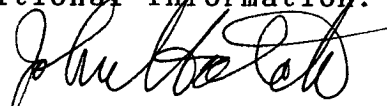
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5378-3, Milton G Carter

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5378-3, Milton G. Carter, RR 3, Box 138B, Watertown SD.

The Chief Engineer is recommending APPROVAL of Application No. 5378-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well authorized by Permit No. 5378-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
January 29, 1990



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 30, 1990

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

Milton G. Carter
RR #3 Box 138B
Watertown, SD 57201

Dear Mr. Carter:

Water Permit Application Nos. 5377-3 & 5378-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Grant Co. Review printed at Milbank SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 30, 1990

Grant Co. Review
Box 390
Milbank, SD 57252-0390

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application Nos. 5377-3 & 5378-3 to be published twice. Please publish the first notice on or before February 7, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Milton G. Carter, RR #3 Box 138B, Watertown, SD 57201.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on or before February 7, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application Nos. 5377-3 & 5378-3 to Appropriate Water

Notice is given that Milton G. Carter, RR #3 Box 138B, Watertown SD 57201 has filed applications for water permits.

Application No. 5377-3 is to appropriate 2.90 cubic feet of water per second from 3 wells (Big Sioux North Aquifer) approximately 31 feet deep to irrigate 240 acres. The 3 wells are to be located in the E1/2 SE1/4 and the acreage to be irrigated is located in the SE1/4, E1/2 SW1/4; all in Section 9-T120N-R52W.

Application No. 5378-3 is to appropriate 2.90 cubic feet of water per second from one well (Prairie Coteau Aquifer) 130 feet deep to irrigate 240 acres. The well is to be located in the N1/2 SW1/4 and the acreage to be irrigated is located in the SW1/4, S1/2 NW1/4; all in Section 10-T120N-R52W. Both of these applications are within the former boundaries of the Sisseton-Wahpeton Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application Nos. 5377-3 & 5378-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. These applications will be considered by the Water Management Board in the Roosevelt - Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Grant) ss.

I, Clarence Justice

certify that the attached printed Notice was taken
 from the Grant County Review

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

City _____ of Milbank

County of Grant and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

February 7 and 14, 1990

Clarence Justice
 (Signature)

Foreman

(Title)

February 14, 1990
 (Date Signed)

Cost of Printing: _____
\$42.48



NOTICE OF HEARINGS
 On Application Nos. 5377-3 & 5378-3
 To Appropriate Water

Notice is given that Milton G. Carter, RR 3 Box 138B, Watertown, SD 57201 has filed applications for water permits.

Application No. 5377-3 is to appropriate 1.90 cubic feet of water per second from 3 wells (Big Sioux North Aquifer) approximately 31 feet deep to irrigate 240 acres. The 3 wells are to be located in the E $\frac{1}{4}$ SE $\frac{1}{4}$ and the acreage to be irrigated is located in the SE $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$; all in Section 9-T120N-R52W.

Application No. 5378-3 is to appropriate 1.90 cubic feet of water per second from one well (Prairie Coteau Aquifer) 130 feet deep to irrigate 240 acres. The well is to be located in the N $\frac{1}{4}$ SW $\frac{1}{4}$ and the acreage to be irrigated is located in the SW $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$; all in Section 10-T120N-R52W. Both of these applications are within the former boundaries of the Sisseton-Wahpeton Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application Nos. 5377-3 & 5378-3 because 1) unappropriated water is available; 2) existing rights will not be unlawfully impaired; 3) it is a beneficial use of water and 4) it is in the public interest. These applications will be considered by the Water Management Board in the Roosevelt - Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 10 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1; 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15; 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Feb. 7

Feb. 14



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

JUN 18 1990

Milton G Carter
RR 3, Box 138B
Watertown SD 57201

Dear Mr. Carter:

Enclosed are Water Permit Nos. 5377-3, 5378-3 and 5379-3 as approved by the Water Management Board authorizing you to construct your water diversion systems and put the water to beneficial use, not exceeding the limits as specified in the Water Permits.

Also enclosed are two Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

June 25, 1996

5378-3

Milt Carter
RR #3 Box 138B
Watertown, SD 57201

Dear Mr. Carter:

I am contacting you in regard to the water use system authorized under Water Permit No. 5378-3 and the extent of development. Enclosed is a copy of the permit.

On July 16, 1991, the water use system described under No. 5378-3, was investigated for licensing purposes. A copy of the "Report of Examination of Works" and the map prepared following the investigation, are enclosed. Since the water use system was investigated in 1991, prior to the time allowed under the permit for completion of the works (March 7, 1995), a water license was not issued.

At this time, we need to know whether the information contained in the "Report of Examination of Works" is still accurate. If you developed more after the system was inspected, we will conduct another investigation prior to licensing.

If, after reviewing the report and map, you feel the information we have is correct, please remit a total of \$50.00 to cover the cost of the investigation and licensing. A water license will then be issued.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

Permit No. 5378-3
Big Sioux River - Water District

**Report Of Examination Of Works And/Or Application of Water To
Beneficial Use**

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

On, August 14, 1996, I made a thorough examination of the water use system constructed by Milt Carter of 3334 9th Ave SW, Watertown, SD holder of Permit No. 5378-3, bearing the priority of January 6, 1990 authorizing the diversion of 2.9 cu. ft. per second of the waters of ground water - Prairie Coteau for irrigation purposes, in Codington County.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water:
A Goulds pump.
- B. Works used to transport water to place of use:
400 feet of 8 inch of PVC pipe.
- C. Works used to apply water to beneficial use:
A Valley center pivot

The system is in the following condition good. The point of diversion is located from the SW corner of Sec 10 T¹³⁰14N-R52W: 1850 ft North and 1000 ft East. The works are capable of diverting and conveying to the place of use 2.67 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land located in Sec ^{10 130}~~10~~ T¹³⁰14N-R52W:
NW1/4 SW1/4 - 35 ac NE1/4 SW1/4 - 35 ac
comprising a total of 70 acres of land and the license should be issued for 1.00 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none



Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Program

8/29/96
Date

REPORT ON INSPECTION OF PERMIT NO. 5378-3

DATE OF INSPECTION: 8/14/1996

Contact Person & Address: **Milt Carter, 3334 9th Ave SW, Watertown, SD**

DIVERSION POINT LEGAL LOCATION: From the SW corner of Sec 10 T120N-R52W:
1850 ft North and 1000 ft East

WATER SUPPLY Source: **groundwater-Prairie Coteau Aquifer**

Well Information:

- | | |
|---|--|
| 1) Well Drilling Firm: <u>LTP Enterprises, Inc</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>130</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-------------------------------------|----------------------------------|
| 1) Diameter <u>12</u> inches | 2) Length <u>105</u> feet |
| 3) Type <u>steel</u> | |

Screen:

- | | |
|---|---------------------------------|
| 1) Type <u>stainless steel</u> | 2) Length <u>25</u> feet |
| 3) Static water level <u>12</u> feet | |

Pump:

- | | |
|------------------------------|------------------------------------|
| 1) Make <u>Goulds</u> | 2) Model <u>10LHC-6</u> |
| 3) Size <u>10</u> | 4) Capacity <u>1200</u> gpm |

Motor:

- | | |
|--|----------------------------------|
| 1) Make <u>US Electrical</u> | 2) Model No. <u>365TP</u> |
| 3) Horsepower rating <u>75</u> hp | |

DISTRIBUTION LINES OR CANALS:

- | | | |
|---------------------------|--------------------------------|----------------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>400</u> feet |
|---------------------------|--------------------------------|----------------------------------|

SYSTEM TYPE:

Center pivot:

- | | |
|-------------------------------------|---|
| 1) Make <u>Valley</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yes</u> |

- 5) High or low pressure high 6) Capacity 1200 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate yes 2) Main line check valve yes
3) Inspection port/air relief yes 4) Low pressure drain yes
5) Discharge is 20' from source yes 6) Interlock type electric
7) Injection pump type piston 8) Injection check valve yes
9) Injection line check valve or positive displacement pump yes
10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes
11) Comments : #

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
2) All structures, wells and lands on map yes
3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

September 11, 1996

CSS Farms
Milt Carter
3334 9th Ave SW
Watertown SD 57201

Dear Mr. Carter:

Pursuant to our phone conversation this morning, enclosed are two partially completed *Notice of Transfer of Ownership* forms. The form for Water Permit No. 5378-3 transfers the permit to CSS Farms. The other form will transfer Water Permit No. 5586-3 to Robert Carr. Each form needs to be signed by the owner and notarized. The filing fee for each transfer is \$2.50.

Mark Rath, engineer with this office, completed the inspections of several of CSS Farms water use systems. The final water right document, the Water License, can now be issued for the following permits:

- 5376-3 (SW 1/4 Sec 18-T118N-R52W),
- 5378-3 (N 1/2 SW 1/4 Sec 18-T118N-R52W),
- 5723-3 (E 1/2 NW 1/4, W 1/4 NE 1/4 Sec 10-T122N-R52W)
- 5724-3 (SE 1/4 Sec 3-T122N-R52W)
- 5586-3 (SW 1/4, W 1/2 SE 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4 Sec 28-T120N-R51W) will incorporate 5263-3 [listed in the name of Robert Carr] after 5586-3 has been transferred to Robert Carr.

Statutes require a \$50.00 fee for each inspection and issuance of the Water Licenses. The total amount due for the two *Notice of Transfer of Ownership* forms and the five water licenses will be \$255.00. Upon receipt fees and transfer forms, the water licenses will be issued. If you have any questions, please contact me.

Please send fee to:

Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 5378-3

Date: 9/12/96

I/We request that Water Permit No. 5378-3

formerly owned by: Milton G. Carter

be transferred to: (name & address) CSS Farms, 3334 9th Ave, Watertown SD 57201

Telephone No. 605/886-2577

Title to the following described land(s)/property has been transferred as described above:

70 acres - N 1/2 SW 1/4 Section 18-T118N-R52W - Codington County

I/We understand that the validity of Water Permit No. 5378-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Codington)

I/We Milton G. Carter being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Milton G. Carter
(Signed)

Subscribed and sworn to before me this 12th day of September, 19 96.

John R. Adams
(Notary Public)

My Comm Expires: 4/30/98

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

415094

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, September 13, 19 96

RECEIVED OF CSS Farms, Inc., 3334 9th Ave SW, Watertown SD 57201

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5378-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

JOHN HATCH

ks

RECEIPT

415098

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 13 _____, 19 96

RECEIVED OF CSS Farms, Inc., 3334 9th Ave SW, Watertown SD 57201

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>No. 5378-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ks)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

OCT 17 1996

CSS Farms
Milt Carter
3334 9th Ave SW
Watertown SD 57201

Dear Mr. Carter:

Enclosed are the Water License Nos. 5376-3, 5378-3, 5723-3, 5724-3 and 5586-3. These are the final documents which complete the process of obtaining a water right.

Water License No. 5378-3 has been transferred to CSS Farms. Water License No. 5586-3 has been transferred to Robert L. Carr. The applicable portions of Water Permit No. 5263-3 have been incorporated into Water License No. 5586-3. The receipts for the water licenses and transfers fees are enclosed.

As long as CSS Farms uses the water beneficially, as stated in the Water Licenses, State Water Laws a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

ks

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5378-3

(1) Milt Carter, 3334 9th Ave SW, Watertown SD 57201 made Application No. 5378-3, January 6, 1990 for a water permit to divert 2.90 cubic feet of water per second from groundwater (one well), Grant County, South Dakota for irrigation purposes. Permit No. 5378-3, with a priority date of January 6, 1990 was approved March 7, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 7, 1995 and for the application to beneficial use of said water on or before March 7, 1999.

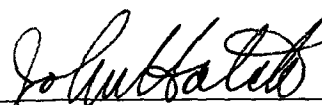
On September 13, 1996, Water Permit No. 5378-3 was transferred to CSS Farms.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.00 cubic feet of water per second for beneficial use. The location of the diversion point is 1,850 feet north and 1,000 feet east from the southwest corner of Section 10-T120N-R52W @ (NW 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

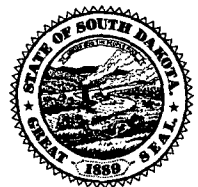
Section 10-T120N-R52W @	NW 1/4 SW 1/4	35 acres
	NE 1/4 SW 1/4	35 acres
Total		70 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 CSS Farms, 3334 9th Ave SW, Watertown SD 57201 the holder and/or owner of Water Permit No. 5378-3 is issued a license to appropriate water, the right to use 1.0 cubic feet of water per second from groundwater (one well) with a priority date of January 6, 1990 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5378-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 17 1996

date



NOT TO SCALE

120-52R

101.0

T1237

779-183L H-2

T1238

76.6

29.8

42.1

10

2

153.9

35ac
1000'

T1236

W. Stanley Lamb, CED
Codington County, ASCS

90.1

T1239

8.6

35ac

1850'

17.3
120-52R

Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date 8/26/96

5378-3



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: CSS FARMS, MILT CARTER, 3334 9TH AVE SW, WATERTOWN, SD 57201

FROM: Ron Duvall, Natural Resources Engineer
 for John Hatch, Chief Engineer
 Water Rights Program

SUBJECT: Violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 2:30 pm, March 5, 1997 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

NOTICE

TO: MILT CARTER
CSS FARMS
3334 9TH AVE SW
WATERTOWN SD 57201

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

RE: Failure to Report Chemical Use under Water Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3

The first notice to file chemigation report(s) for Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for any of the above listed permits. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to chapter 1-26. According to SDCL 46-1-12, the board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 12, 1997

Milt Carter
CSS Farms
3334 9th Ave SW
Watertown, SD 57201

Dear Mr. Carter:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, **Notices of Violation**.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



July 18, 2002

5378-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

Jim Carter
CSS Farms
3334 9th Ave SW
Watertown, SD 57201

Dear Mr. Carter:

This letter is in reference to a complaint we received concerning overspray on public right-of-ways by your centerpivot endguns. On July 1, 2002, Mark Rath from my office investigated the overspray complaint and observed one of your centerpivots overspraying an unimproved section line road between section 3 and 4 in T122N-R52W (Res) in Roberts County. He met with you concerning this matter on July 2, 2002. At that time you acknowledged the problem and indicated you would remedy the situation promptly.

I would like to remind you that you are not allowed to operate an irrigation system in violation of state water law, which includes allowing unauthorized overspraying to occur. I appreciate your efforts at correcting this problem, where they may exist, on any and all of your centerpivots.

If you have any questions, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CSS FARMS, Inc.					
Farm Land with Water Permit #'s					
In CSS Farms, Milt Carter or Other Name					
Please Transfer all Water Permits to Land Owners					
Updated:1-16-07					
		Permitted	Irrig.		
CSS FARMS, Inc.		Irrig.	Permit		Current
Field Name	Irrigated Land Legals	Acres	#	Owner	Operator
Codington County:					
Drake	Sec 10 T119N R51W	132	3672-3	Coast Properties Investors LLC	Greg Endres
McElhaney-East	Sec 16 T118N R52W	220	5166-3	John Norgaard etl	Terry Endres
Regnier	Sec 21 T118N R52W	165	5379-3	Don Endres	Terry Endres
Toft-North & South	Sec 16 T118N R52W	190	2120-3	Don Endres	Terry Endres
Grant County:					
Allison	Sec 20 T120N R51W	130	5338A-3	Milton Allison	Greg Endres
Berger- South	Sec 16 T121N R52W	132	6099-3	Endres Family Trust	Greg Endres
Ollman	Sec 17 T121N R52W	132	6030-3	Endres Family Trust	Greg Endres
Kneeland	Sec 9 T121N R52W	132	5968-3	Don Endres	Greg Endres
Loken-East	Sec 10 T120N 52W	70	5378-3	Endres Family Trust	Terry Endres
Loken-West	Sec 9 T120N 52W	174	5377-3	Endres Family Trust	Terry Endres
Meyer-East & South	Sec 28 & 33 T120N R51W	400	3782-3	Robert L. Carr	Greg Endres
Meyer-Middle	Sec 28 T120N R51W	168	5586-3	Robert L. Carr	Greg Endres
Meyer-North & West	Sec 21 & 28 T120N R51W	302	5173-3	Robert L. Carr	Greg Endres
Roberts County:					
Jake 1	Sec 34 T123N R52W	156	4604-3	Endres Family Trust	Greg Endres
Jake 2, 5 & 6	Sec 3 & 4 T122N R52W	393	4041-3	Endres Family Trust	Greg Endres
Jake 3	Sec 3 T122N R52W	132	5724-3	Endres Family Trust	Greg Endres
Jake 4	Sec 10 T122N R52W	132	5723-3	Endres Family Trust	Greg Endres
Richardson	Sec 3 T122N R52W	136	6029-3	Endres Family Trust	Greg Endres
Utne	Sec 33 T121N R52W	136	6004-3	Don Endres	Greg Endres
Total Permitted Acres:		3432.0			
Note: Endres Family Trust--Jim Endres is the contact person					
Coast Properties Investors LLC--Dr. L.A. Sigdestad is the contact person					
Milton Allison	1434 Linden Dr.	Ames, IA 50010-5532			515-232-3389
Robert Carr	506 Washington Ave	Marshall, MN 56258-7661			507-532-2291
Don Endres	108 Half Moon Rd	Brookings, SD 57006-3906			605-690-1385
Jim Endres	17212 460th Ave	Watertown, SD 57201			605-881-0424
Terry Endres	17214 460th Ave	Watertown, SD 57201			605-881-0423
Greg Endres	2011 South Serenity Dr.	Watertown, SD 57201			605-880-1711
John Nordgaard	542 Terrace Dr.	Grand Forks, ND 58201-7661			701-739-3819
Dr. L. A. Sigdestad	2605 S Waterman Ave	San Bernardino, CA 92408			909-709-6200

RECEIVED

JAN 19 2007

WATER RIGHTS
PROGRAM



5378-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 17, 2007

Jim Endres
Endres Family Trust
17212 460th Ave
Watertown SD 57201

RE: Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3

Dear Mr. Endres:

I am writing in follow-up to our phone conversation regarding ownership of the above water rights.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and complete as needed. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (**total of \$17.50**). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 12, 2007

Jim Endres
Endres Family Trust
17212 460th Ave
Watertown SD 57201

RE: Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3

Dear Mr. Endres:

I am contacting you in regard to ownership of land described in Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3. These are water rights that describe irrigation of land formerly owned by CSS Company.

On July 17th I sent transfer forms to you for filing ownership changes and to date I have not received anything back from you. In the event you do not have the original forms, I am including another partially completed set for you to use. Please review the forms and complete as needed. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (**total of \$17.50**). The check or money order for the fee can be made payable to the Water Rights Program.

If the water rights should no longer be transferred, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-5455
email: genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 11, 2008

Jim Endres
Endres Family Trust
17212 460th Ave
Watertown SD 57201

RE: Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3

Dear Mr. Endres:

I am contacting you in regard to ownership of land described in Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3. These are water rights that describe irrigation of land formerly owned by CSS Company.

On July 17 and September 12, 2007, I sent transfer forms to you for filing ownership changes and to date have not received anything back from you. Under South Dakota Water Law, Notice of any sale, grant, lease or conveyance of a permit or license to appropriate water shall be filed with the Chief Engineer within ninety days. If you no longer own the land and I should be contacting someone else, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'Genny McMath'. The signature is written in a cursive, flowing style.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-5455
email: genny.mcmath@state.sd.us

enclosures

c: Greg Endres, 2011 S Serenity Dr, Watertown SD 57201



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 15, 2008

Jim Endres
Endres Family Trust
17212 460th Ave
Watertown SD 57201

RE: Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3

Dear Mr. Endres:

Thank you for calling and discussing the ownership changes needed for Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3. I have enclosed copies for your review.

Enclosed are partially completed forms for filing ownership changes with each water right. Please complete and sign each form. Upon completion, return them to our office with a required filing fee of \$2.50 each (**total of \$17.50**). The check or money order for the fee can be made payable to the Water Rights Program.

The copies of the water rights are yours to keep. The only items we need back are the signed transfer forms and the filing fee. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-5455
email: genny.mcmath@state.sd.us

enclosures

RECEIVED

JUL 30 2008

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 5378-3

Date: 7/21/08

I/We request that Water Right No. 5378-3

formerly owned by: CSS Farms

be transferred to: (name & address)

Family Trust
Endrus Stock & Sons by Jim Endrus
17212 460th Ave., Watertown, S.D. 57201

Telephone No. *605-886-7342*

Title to the following described land(s)/property has been transferred as described above:

70 acres - N 1/2 SW 1/4 Section 10, T120N, R52W (RES)

I/We understand that the validity of Water Right No. 5378-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We *Jim Endrus*, the new owner, certify that the above information is true and correct.

Family Trust
Endrus Stock & Sons by Jim Endrus
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/28, 20 08

RECEIVED OF Endres Family Trust J Endres 17212 460th Ave Watertown SD 57201

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5378-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

63753

By

Laurel Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 15, 2008

Jim Endres
Endres Family Trust
17212 460th Ave
Watertown SD 57201

RE: Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3

Dear Mr. Endres:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on the above listed water rights. The ownership changes have been completed. The water rights once listed in the name of Milton G Carter or CSS Farms are now listed in the name of "Endres Family Trust".

Enclosed are Receipt Nos. 03732 through 03738 in the amounts of \$2.50 each which you paid for filing the ownership changes. You may keep these for your records.

We have Gene Endres listed as operator of the systems described in each one of the water rights. The annual irrigation questionnaires will continue to be directed to Gene's attention until you notify us otherwise. If I can answer any questions for you, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-5455
email: genny.mcmath@state.sd.us

enclosures

c: Gene Endres

5378-3

Nov. 10, 2020

To: Water Mgt. Board

From: Greg Endres

Please transfer Permit 5377-3

& Permit 5378-3

to: Janet Endres

Watertown, ID.

Greg Endres 11/10/20

RECEIVED

NOV 23 2020

PER RIGHTS
PROGRAM

5378-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 23, 2020

5377-3

5378-3

Janet Endres
615 3rd Ave SE
Watertown SD 57201

Dear Ms. Endres:

Thank you for sending in the 2020 irrigation questionnaires for Water Right Nos. 5377-3 and 5378-3.

Based on the note included with the forms, enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

Also included are copies of the water rights. You may keep these documents for your records. If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly distinguishable.

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

5378-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 23, 2020

5377-3

5378-3

Janet Endres
615 3rd Ave SE
Watertown SD 57201

Dear Ms. Endres:

In November 2020, transfer forms were mailed to you for changing ownership on Water Right Nos. 5377-3 and 5378-3. This was done in response to the annual irrigation questionnaires which included a note indicating they should be transferred to your name. To date, we have not received anything back from you.

In the event you do not have the original forms, I am enclosing another set. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

If the water rights no longer need to be transferred or if you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

PAID

FEB 18 2021

Ck# 1422

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

FEB 18 2021

WATER RIGHTS
PROGRAM

No. 5378-3

Date: 2/12/2021

I/We request that Water Right No. 5378-3

formerly owned by: Endres Family Trust

be transferred to: (name & address) Janet Endres, 615 3rd Ave SE, Watertown SD 57201

Telephone No. 605 520-3135

Title to the following described land(s)/property has been transferred as described above:

70 acres – N ½ SW ¼ Section 10, T120N, R52W (R)

I/We understand that the validity of Water Right No. 5378-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Janet Endres, the new owner, certify that the above information is true and correct.

Janet Endres
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date February 18, 2021RECEIVED OF Janet A Endres 615 3rd Ave SE Watertown SD 57201

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>5378-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Bronlund
 Chief Engineer
vm



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 19, 2021

5377-3

5378-3

Janet Endres
615 3rd Ave SE
Watertown SD 57201

Dear Ms. Endres:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 5377-3 and 5378-3.

The ownership changes have been completed. The water rights formerly held by Endres Family Trust are now listed in your name. Receipts for the filing fees are enclosed.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. I am enclosing a past copy of the form to give you an idea of what type of information to keep track of during the growing season. The actual forms that will need to be completed and returned to us will be mailed to you in October.

If you have any questions concerning the water rights, please get in touch with me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

5378-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: JANET ENDRES, 615 3RD AVE SE, WATERTOWN, SD 57201

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5377-3 & 5378-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5377-3 & 5378-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5377-3 & 5378-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: JIUVFP**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

5378-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 2, 2022

5377-3
5378-3

Janet Endres
615 3rd Ave SE
Watertown SD 57201

Dear Ms. Endres:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 5377-3 & 5378-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us